

**Enrolled Minutes of the Sixty-second Regular Meeting  
Of the Twenty-Sixth Highland Town Council  
Monday, August 02, 2010**

*Study Session.* The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, August 02, 2010 at 6:40 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

*Silent Roll Call:* Councilors Bernie Zemen, Mark A. Herak, Dan Vassar, Brian Novak and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**General Substance of Matters Discussed.**

1. The Town Council discussed the agenda of the imminent meeting.
2. The Town Council discussed a request for an insurance certificate to be provided by Ridge Cyclery as a vendor promoting a make or makes of bicycles during the "Tour de Highland", a bicycle tour sponsored by the Highland Select Centennial Commission.
3. The Town Council also discussed certain legs of the proposed bike route for the previously mention bike event and the quality of their condition.

The study session ended at 7:00 O'clock p.m.

*Regular Meeting.* The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, August 02, 2010 at 7:01 O'clock p.m. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President Mark A. Herak presided and the Town Clerk-Treasurer was present to memorialize the proceedings.

The session was opened with the Town Councilor Konnie Kuiper leading the pledge of allegiance to the United States Flag and offering a prayer.

**Roll Call:** Councilors Bernie Zemen, Mark A. Herak, Dan Vassar, Brian Novak and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**Additional Officials Present:** Rhett L. Tauber, Town Attorney; John M. Bach, Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; Kenneth J. Mika, Building Commissioner; William R. Timmer, Jr., CFOD, Fire Chief; and Cecile Petro, Redevelopment Director were also present.

Also Present: Karen Ziants, Lisa Gauthier and Dawn Wolak of the Community Events Commission were also present.

**Minutes of the Previous Session**

The minutes of the regular meeting of 19 July 2010 were approved by general consent.

**Special Orders:**

1. **Public Hearing on a Petition to Vacate a Public Way or Easement.** Petition filed by Park and Recreation Board, 2450 Lincoln Street, Highland, requesting the vacation of public ways, a platted easements located near and around the property listed at the same address, pursuant to IC 36-7-3-12 (c). Petition filed 14 July 2010.

(a) Review of Proofs of Publication: TIMES 19 July 2010. (Mailing to one person listed in petition. Certificate of mailing to be provided) The Town Attorney indicated that the proofs were in compliance with IC 5-3-1.

(b) **Public Hearing** on the Petition as filed. The Town Council President called the hearing to order. There were no comments written or spoken. The hearing was closed.

(c) Consideration of proposed **Ordinance No. 1467**: An Ordinance to vacate a Public Way or Easement. Councilor Kuiper introduced and moved the consideration at the same meeting of introduction of Ordinance No. 1467. Councilor Vassar seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered.

Councilor Kuiper moved the passage and adoption at the same meeting of introduction of Ordinance No. 1467. Councilor Vassar seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted.

**ORDINANCE No. 1467  
OF THE  
TOWN OF HIGHLAND, INDIANA**

**AN ORDINANCE VACATING PUBLIC ALLEYS AND PUBLIC WAYS, PLACES OR EASEMENTS  
PURSUANT TO INDIANA CODE 36-7-3 CHAPTERS 12 AND 16.**

**WHEREAS**, The Town Council of the Town of Highland is the Municipal Legislative Body of the unit; and

**WHEREAS**, the Board of Parks and Recreation of the Town of Highland, Indiana, has filed a petition with the Clerk-Treasurer as clerk of the municipal legislative body, requesting a public hearing on the matter of vacation of a public ways, alleys, places or easements, the legal description of which is set forth herein; and

**WHEREAS**, the municipal clerk has caused through the petitioner, notice to be given in the manner prescribed in I.C. 5-3-1, as well as by certified mail to each owner of land that abuts the property proposed to be vacated, and such hearing has been conducted; and

**WHEREAS**, the Town Council desires to execute a vacation of the aforementioned public alleys, public ways, places or easements pursuant to Indiana Code 36-7-3 et sequitur;

**NOW, THEREFORE, BE IT HEREBY ORDAINED** by the Town Council of the Town of Highland, as follows:

**Section 1.** That the Town of Highland, by and through its Town Council of the Town of Highland, Lake County, Indiana hereby vacates and forever releases all right, title and interest in and to the following described public alleys, public ways, places or easements to the Board of Parks and Recreation in the Town of Highland, Indiana, 2450 Lincoln, Highland, Indiana 46322:

The public alleys and public ways which is an easement that abuts and is contiguous to 2450 Lincoln, Highland, Indiana, which public alleys or public ways are further described as follows:

**ALLEYS**

THE TWENTY FOOT EAST/WEST ALLEY IN BLOCK 2 AND BLOCK 3 OF WICKER PARK GARDENS ADDITION TO THE TOWN OF HIGHLAND, LAKE COUNTY, INDIANA, AS RECORDED IN PLAT BOOK 22, PAGE 16

THE TWENTY FOOT NORTH/SOUTH ALLEY IN BLOCK 2 AND BLOCK 3 OF WICKER PARK GARDENS ADDITION TO THE TOWN OF HIGHLAND, LAKE COUNTY, INDIANA, AS RECORDED IN PLAT BOOK 22, PAGE 16  
**PARKWAY DRIVE**

THE NORTH HALF OF PARKWAY DRIVE BETWEEN THE EAST LINE OF SCHNEIDER AVENUE AND THE WEST LINE OF LAWNSDALE AVENUE.

THE SOUTH HALF OF PARKWAY DRIVE FROM THE CENTERLINE OF SCHNEIDER AVENUE TO THE CENTERLINE OF LAWNSDALE AVENUE.

**OSBORNE AVENUE**

THE SIXTY FOOT RIGHT OF WAY OF OSBORN AVENUE FROM THE SOUTH LINE OF LINCOLN AVENUE TO THE NORTH LINE OF PARKWAY DRIVE.

**Section 2.** That the Town Council further finds and determines:

(A) That the vacation would not hinder growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous;

(B) That the vacation would not make access to the contiguous lands or lands of any aggrieved persons by means of a public way or difficult or inconvenient;

(C) The vacation would not hinder the public's access to a church, school, or other public building or place;

(D) The vacation would not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous;

**Section 3.** That this ordinance will be in full force and effect from and after its passage and adoption, subject and pursuant to provisions of I.C. 37-7-3-12(f).

Introduced and Filed on the 2<sup>nd</sup> day of August 2010. Consideration at the same meeting of introduction, sustained a vote of 5 in favor and 0 opposed, pursuant to I.C. 36-5-2-9.8.

**DULY ORDAINED AND ADOPTED** this 2<sup>nd</sup> day of August, 2010, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

/s/Mark A. Herak, President (IC 36-5-2-10)

Attest:

/s/Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

**Communications:**

1. **Controlled Event Permit Request.** Action regarding a letter dated June 30, 2010, presenting a request for permission to conduct a beer garden on a public way submitted by George Peterson, President of Growlers, 2816 Highway Avenue, for property owned by the Town of Highland, Redevelopment Department, adjacent to Growlers for its third annual anniversary of opening. The date of the event is 28 August 2010. *This is a controlled event under Chapter 119. Section §119.02 requires action by the Town Council in an open regular or special session. Request is timely as it is filed at least 60 days before the desired event. The Council will also need to fix the amount of liability insurance, pursuant to § 119.02 (D). Pursuant to that section, the Town Council has previously directed that the applicant procure liability insurance for the event which names the Town of Highland as an additional insured in the amount of Three million dollars (\$3,000,000) and provide a certificate or proof of this insurance before the event.*

Councilor Zemen moved to approve and grant the permit for a controlled event as requested, provided that Growlers as permittee procure liability insurance in the additional insured amount of three million dollars, naming the Town of Highland as an additional

insured. Councilor Novak seconded. Upon a roll call vote, there were three affirmatives and two negatives. With Councilors Zemen, Novak and Herak voting in the affirmative and Councilors Vassar and Kuiper voting in the negative, the motion passed. The controlled event permit was granted.

#### **Appointments:**

- **Statutory Boards and Commissions**

Executive Appointments made by Town Council President

Legislative or Fiscal Body Appointments made by Town Council

1. **Redevelopment Commission Non-voting Representative from School: (1)** appointment to be made by Town Council President. 2-year term. New term **expires June 30, 2012.**

The Town Council President announced his appointment of **Luanne Jurczak**, 9024 Hess Drive, Highland as the principal non-voting delegate and **Larry Vassar**, 9402 Ellen Drive, Highland as the alternate, provided that such an act was consistent with the Indiana law. Both persons are members of the Highland School Board of Trustees.

#### **Unfinished Business and General Orders:**

1. **Works Board Order No. 2010-35:** An ORDER AUTHORIZING and Approving the Fourteenth change order to the construction Contract R-30936-A related to the Kennedy Avenue Improvement Project, Northern Terminus at Little Calumet River and southern Terminus at Ridge Road, a Federal Aid Highway Project, all pursuant to IC 36-1-12-18.

Councilor Kuiper moved and Councilor Novak seconded the passage and adoption of the Works Board Order No.2010-35. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

#### **The Town of Highland**

ORDER of the WORKS BOARD NO. 2010-35

**An ORDER AUTHORIZING and Approving the Fourteenth change order to the construction Contract R-30936-A related to the Kennedy Avenue Improvement Project, Northern Terminus at Little Calumet River and southern Terminus at Ridge Road, a Federal Aid Highway Project, all pursuant to IC 36-1-12-18**

**Whereas**, The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24 (3), has heretofore authorized and approved a public works project for street construction and other improvements in the public roadway through the assistance of federal highway aid funds, with the project commonly known as the **Kennedy Avenue Reconstruction Project**;

**Whereas**, In the course of the construction, reconstruction, or repair of the Kennedy Avenue Reconstruction Project, it has become necessary to change or alter the original specifications of the project;

**Whereas**, First Group Engineering (FGE), Incorporated, a licensed engineer performing construction engineering services on this project, at the request of the Town through its Public Works Director, has specifically identified and presented descriptions of such changes as one (1) proposed addendum, to be known as the *fourteenth addendum* to the original construction contract with Grimmer Construction, Inc., particularly in support of changes in costs associated with items outlined in the order document which has a net effect of increasing the contract cost; and

**Whereas,** There are sufficient and available appropriations balances on hand to support any additional payments, if required, under the agreement, pursuant to IC 5-22;

**Whereas,** The Town of Highland, through its Town Council which is also the Board of Works, now desires to accept and issue the orders for change as described;

**Now Therefore Be it hereby Ordered** by the Town Council of the Town of Highland, Lake County, Indiana;

**Section 1** That the Fourteenth Addenda to the Construction Contract R-30936-A with Grimmer Construction, Inc. for the **Kennedy Avenue Reconstruction Project**, as prepared by First Group Engineering, Incorporated, a licensed engineer performing construction engineering services on this project, are hereby determined to be directly related to the original project and are hereby approved, adopted and ratified in each and every respect;

**Section 2** That the fourteenth addendum is hereby ordered to be known as **Change Order No. 14**, issued to add no net increases or decreases to the original agreement but instead to allow a time extension for completion of twenty days, as requested by the contractor, due in part to the recent labor stoppage of the Teamsters, which ran from June 8<sup>th</sup> until June 25<sup>th</sup> and ;

**Section 3.** That the adoption and approval of the change order numbered 14, has the aggregate effect of producing no net increase or decrease thereby keeping the total value of the entire agreement with any and all change orders approved to date to seven million, five hundred thirty-one thousand, nine hundred thirty-two dollars and eighty-nine cents (\$7,531,932.89);

**Section 4.** That as any additional units of materials included in the original contract become needed, the cost of these units in this change order be the same as those shown in the original contract, all pursuant to IC 36-1-12-18(f);

**Section 5.** That the total of all change orders issued that increase the scope of this project may not exceed twenty percent (20%) of the amount of the original contract, that original amount being seven million, three hundred-thirty-five thousand, six hundred thirty-eight dollars and eighty cents (\$7,335,638.80) which may not exceed eight million, eight hundred two thousand, seven hundred sixty-six dollars and twenty cents (\$8,802,766.20) all pursuant to IC 36-1-12-18(d);

**Section 6.** That the proper officers hereby be and are authorized to execute the necessary documents with their signatures.

**Be it So Ordered.**

**DULY, PASSED and ORDERED BY** the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 2<sup>nd</sup> day of August 2010 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. **Works Board Order No. 2010-34:** A Preliminary Order Adopting and Approving Municipal General Improvement Fund Special Assessment Rolls for Property Owners Benefiting from the Idlewild Drive Reconstruction Project.

Councilor Zemen moved, Councilor Novak seconded the passage and adoption of Works Board Order No. 2010-34. Upon a roll call vote, there were five affirmatives. The motion passed. The order was adopted.

**TOWN OF HIGHLAND  
Order of the Work Board No. 2010-34**

**A PRELIMINARY ORDER ADOPTING AND APPROVING MUNICIPAL GENERAL IMPROVEMENT  
FUND SPECIAL ASSESSMENT ROLLS FOR PROPERTY OWNERS BENEFITING FROM THE IDLEWILD  
DRIVE RECONSTRUCTION PROJECT**

**WHEREAS**, Pursuant to Ind. Code 36-1-2-24, the Town Council is the works board for the Town of Highland, Indiana (the "Town"); and

**WHEREAS**, Pursuant to Ordinance No. 1084, adopted by the Town Council on March 23, 1998, the Town has established a Municipal General Improvement Fund to provide monies to construct, repair, reconstruct or improve certain streets, alleys, sidewalks, curbs, gutters and sewers within the Town; and

**WHEREAS**, Pursuant to Order of the Works No. 2010-32, the Town Council confirmed Works Board Order No. 2010-20 and determined that the benefits to accrue to the property liable to be assessed for reconstruction of curbs and sidewalks in the 8700-8800 block of Idlewild Drive (the "Improvements") will be in excess of the maximum estimated cost of the Improvements; and

**WHEREAS**, An assessment roll for the Improvements, including the name and owner of each parcel of property abutting on and adjacent to such Improvement, a description of each parcel of such property, and the total assessment against each parcel of property, copies of which are attached hereto as **Exhibit A** (each, an "Assessment Roll"), has been prepared and filed with this Town Council,

**NOW, THEREFORE**, be it resolved by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That the Town Council hereby adopts and approves the Assessment Roll for the Improvements.

**Section 2.** That the Town Council hereby determines to hold a public hearing regarding the Assessment Roll for the Improvements and to receive and hear remonstrances against the amounts assessed on the Assessment Roll and determine whether the lots or tracts of land have been or will be benefited by the Improvements in (a) the amount set forth on the Assessment Roll, (b) such greater or lesser amount, or (c) any amount at all, which public hearing will be held at the regular meeting place of the Town Council at **7:00 p.m. on August 16, 2010**, and the Town Council further directs the Clerk-Treasurer to publish notice of such hearing and to mail notice of such hearing to property owners affected by the Improvements.

**Be it So Ordered.**

**Duly adopted** and ordered by the Town Council of the Town of Highland, Lake County, Indiana, this 2<sup>nd</sup> day of August, 2010, by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL OF THE TOWN OF  
HIGHLAND, INDIANA**

Mark A. Herak, President

*Attest:*

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer

3. **Resolution No. 2010-32:** An Exigent Resolution Providing for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the SPECIAL EVENTS NON-REVERTING FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

Councilor Kuiper moved, Councilor Vassar seconded the passage and adoption of Resolution No. 2010-32. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN OF HIGHLAND  
APPROPRIATION TRANSFER RESOLUTION  
RESOLUTION NO. 2010-32**

**AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and  
AMONG MAJOR BUDGET CLASSIFICATIONS in the SPECIAL EVENTS NON-REVERTING FUND as**

REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION  
PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Special Events Non Reverting Fund**;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

**Section 2.** That it has been shown that certain existing unobligated appropriations of the **Community Events Commission Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

SPECIAL EVENTS NON-REVERTING FUND

Decrease Account: #386.08 Special Events Parades	\$ 500.00
Total 300 Series Decreases	\$ 500.00

**Total of All Fund Decreases: \$ 500.00**

Increase Account: #200.03 Misc. Supplies	\$ 500.00
Total 200 Series Increases	\$ 500.00

**Total of All Fund Increases: \$ 500.00**

**Section 3.** That the action authorized in Resolution No. 2010-28 regarding the particular accounts identified herein is a nullity and is hereby repealed.

DULY RESOLVED and ADOPTED this 2<sup>nd</sup> Day of August 2010 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

4. **Proposed Ordinance No. 1468.1375-M:** An Ordinance to Amend the Ordinance Adopted to Establish the Wage and Salary Rates of the ELECTED OFFICERS, the NON-ELECTED OFFICERS, and the EMPLOYEES of the TOWN of HIGHLAND, INDIANA, particularly, authorizing and establishing the new position of Public Safety Clerk-Radio Operator, a full-time position that will earn at two different hourly rates of pay based upon tasks performed.

Councilor Kuiper introduced and moved the consideration of Ordinance No. 1468.1375-M at the same meeting of introduction. Councilor Novak seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered. Councilor Kuiper moved the consideration passage and adoption of Ordinance No. 1468.1375-M at the same meeting of introduction. Councilor Novak seconded. Upon a roll call vote, a two-third vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted.

ORDINANCE No. 1468.1375-M  
of the  
TOWN of HIGHLAND, INDIANA

AN ORDINANCE to AMEND the ORDINANCE ADOPTED TO ESTABLISH THE WAGE and SALARY RATES of the ELECTED OFFICERS, the NON-ELECTED OFFICERS, and the EMPLOYEES of the TOWN of HIGHLAND,

**INDIANA, PARTICULARLY, AUTHORIZING AND ESTABLISHING THE NEW POSITION OF PUBLIC SAFETY CLERK-RADIO OPERATOR, A FULL-TIME POSITION THAT WILL EARN AT TWO DIFFERENT HOURLY RATES OF PAY BASED UPON TASKS PERFORMED.**

**WHEREAS**, Title 36, Article 1 Chapter 4 of the Indiana Code confers certain general corporate powers on the several units of government in Indiana;

**WHEREAS**, Section fifteen of that chapter specifically provides that a unit of government may fix the level of compensation of its officers and employees; and

**WHEREAS**, I.C. 36-5-3-2 further provides in pertinent part that the town legislative body shall provide reasonable compensation for the other town officers and employees;

**WHEREAS**, I.C. 36-5-3-2(b), still further provides that the Town Legislative body shall, by ordinance fix the compensation of its own members and the Town Clerk-Treasurer;

**WHEREAS**, I.C. 36-5-3-2(c) still further provides that the compensation of an elected town officer may not be changed in the year for which it is fixed, nor may it be reduced below the amount fixed for the previous year;

**WHEREAS**, The Town Council of the Town of Highland, as the town legislative body, previously acted to fix the compensation of its elected officers, appointed officers and employees of the Town for the year ensuing, by passage and adoption of Ordinance No. 1375;

**WHEREAS**, The Town Council of the Town of Highland has been advised that modification to certain provisions of Ordinance No. 1375, as amended, would be desirable;

**WHEREAS**, The Town Council of the Town of Highland, as the town legislative body, now desires to further modify and fix the compensation of its elected officers, appointed officers and employees of the Town for the year and to further perfect the wage and salary ordinance,

**NOW, THEREFORE, BE IT HEREBY ORDAINED** by the Town Council of the Town of Highland, Lake County, Indiana, that the Wages, Salaries, and special detail levels of the Officers and Employees of the Town of Highland, are hereby established and fixed, pursuant to the provisions indicated herein as follows:

**Provision 1.** That Section 10 of Ordinance No. 1375 as amended, be repealed in its entirety and replaced with a new section which shall be identified as Section 10 which shall read as follows:

**Section 10.** That subject to the provisions of this ordinance, the salary and wages for the non-elected officers and employees of the Town of Highland are hereby fixed for its **Metropolitan Police Department** as follows:

(a) **Chief of the Department**

Chief of Police ( 1 )

(A) Starting rate: If an initial appointment, the bi-weekly pay of the chief of police shall be fixed at \$ 2,417.00 bi-weekly.

(B) Incumbent Rate: \$ 2,675.13 bi-weekly.

(b) **Sergeants and Corporals**

(1)	Rank or Grade	Starting Rate	Incumbent Rate
	Sergeant ( 8 )	\$2,190.68	\$2,190.68 bi-weekly
	Corporal (10)	\$2,067.86 \$	2,067.86 bi-weekly

- (2) In the event that the Town Board of Metropolitan Police Commissioners determine that is desirable or necessary to assign or detail an officer holding the rank or grade of **Sergeant** or **Corporal** to a specialty assignment or division transfer to the Crime Impact Unit of the Highland Police Department (CIU/HPD) or participates in a Multi-Jurisdictional law enforcement assignment (GRIT/FBI), while in that detail or on that assignment, the officer is to be paid at the rate set forth below, without loss of rank, and provided that the assignment and associated pay is *position-directed*, or *economically based*, and *non-disciplinary* in purpose:

Rank or Grade	Starting Rate	Incumbent Rate
Sergeant	\$2,067.86	\$2,067.86 bi-weekly
Corporal	\$2,021.67	\$2,021.67 bi-weekly



- (3) An assignment as described above will not modify in any way the authorized limit for the rank of Sergeant or Corporal as set forth in subdivision (b)(1) of this section.

(c) **Other Police Officers and Assignments.**

- (1) All initial appointments to the Metropolitan Police Department, regardless of previous law enforcement experience, shall be probationary in nature pursuant to Regulation 11 of the Metropolitan Police Department and under the authority of IC 36-8-9-7. The basis for promotion to the several grades (classes) will be based upon written guidelines, rules or regulations determined by the Town Board of Metropolitan Police Commissioners.
- (2) A candidate/officer possessing a Law Enforcement Academy certification is eligible for initial appointment to Police Officer classes 1-4. A candidate/officer possessing no Law Enforcement Academy certification is only eligible for initial appointment to Police Officer class 4.

	Starting Rate	Incumbent Rate
Police Officer 1	\$1,974.00	\$1,974.00 bi-weekly
Police Officer 2	\$1,741.02	\$1,741.02 bi-weekly
Police Officer 3	\$1,630.25	\$1,630.25 bi-weekly
Police Officer 4 (no LEA certification)	\$1,476.71 \$	1,476.71 bi-weekly

(3) The following represent assignments in the Metropolitan Police Department for which the following salaries are authorized. *The authorized number of position depicted in the parentheses is reduced to two (2) upon the assignment of a person to the position of Deputy Commander. At no time shall this ordinance be construed to permit three occupied assignments of Commander simultaneously with an assignment of Deputy Commander.* Persons so assigned shall be paid the greater of the pay attached to the actual service rank or grade of the assigned person or the pay associated with the listed assignments depicted as follows:

Division Commander ( 3 ) \$2,313.49 bi-weekly

If the position of Deputy Commander is filled, authorized number of Commanders is two (2).

Deputy Commander (1) \$2,190.68 bi-weekly

(4) The following rank has been deemed a trace rank. Only officers employed in good standing with the Metropolitan Police Department on or before April 12, 2001 shall be eligible to elevation to the trace rank of Lance Corporal. This trace rank shall be conferred on all Patrol Officers First Class, who meet the date eligibility indicated, who have successfully completed ten (10) years of continuous service with the Highland Metropolitan Police Department and upon approval of the Town Board of Metropolitan Police Commissioners. Officers currently holding such rank will continue to hold such rank until their separation from service with the Metropolitan Police Department at the level of pay set forth in this ordinance. Having separated, an officer having once been eligible to hold the trace rank or having the trace rank at the time of separation shall not be eligible hold such rank if officer is later re-hired unless ordered by a court.

Lance Corporal \$2,021.67 bi-weekly

(d) **Other Associate Staff and Public Safety Dispatching Employees**

	Starting Rate	Incumbent Rate
*Support Services Administrator ( 1 )		\$1,615.38 bi-weekly
Secretary ( 1 )	\$14.85	\$17.49 per hr.
Police Records Clerk ( 3 2 )	\$12.30	\$12.30 per hr.
Police Records Clerk (part-time)	\$8.49 hr. - \$9.59 hr.	
Animal Warden (part-time)	\$8.00 hr. - \$15.00 hr.	
<b>Effective July 12, 2009:</b>		
Animal Warden (part-time)	\$8.00 hr. - \$15.00 hr.	
Crossing Guard (part-time)	\$7.66 hr. - \$8.76 hr.	
Sub Crossing Guard (part-time)	\$7.66 hr. - \$8.76 hr.	
Metropolitan Police Chaplain ( 4 )		no pay

Matron or Clerk Duty (call-out) hourly rate - 2 hour minimum

**Provision 2.** That all portions of ordinances in conflict with this ordinance are hereby repealed and are of no further force nor effect;

**Provision 3.** (A) That the effective amendments herein become effective upon and after the passage and adoption of this ordinance, and not sooner than August 1, 2010;

(B) That the Clerk-Treasurer shall have authority to implement within a reasonable time those provisions regarding wage changes in this ordinance.

Introduced and Filed on the 2<sup>nd</sup> day of August 2010. Consideration on same day or at same meeting of introduction experienced a vote of 5 in favor and 5 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED and ADOPTED** this 2<sup>nd</sup> Day of August 2010 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

5. **Proposed Ordinance No. 1469:** An Ordinance to amend the municipal code and enact and establish a new fund, styled as the Economic Development Non Reverting Fund. Councilor Vassar introduced and filed Ordinance No. 1469. There was no further action.
6. Action to reschedule the Regular Meeting of Monday, November 1, 2010 to Friday, October 29, 2010. Pursuant to Section § 30.27 (D), a two-thirds vote was required to reschedule a standing meeting. Councilor Zemen moved, seconded by Councilor Novak, to reschedule the meeting of Monday, November 1, 2010 to Friday October 29, 2010 with a study session at 6:30 and the plenary session to begin at 7:00 p.m. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The meeting was rescheduled.

## **NEW BUSINESS**

**Amend Agenda.** Councilor Kuiper moved that the agenda be amended to permit consideration of the authorization and approval of a required certificate of insurance to be obtained by Ridge Cyclery for a promotional presence at the *Tour de Highland* Bicycle event of Saturday August 7. Councilor Novak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives, no negatives and one abstention. With Councilors Zemen, Vassar, Novak and Kuiper voting in the affirmative and Councilor Herak abstaining, the motion passed. The Agenda was amended.

**Consideration of the authorization and approval of a required certificate of insurance to be obtained by Ridge Cyclery for a promotional presence at the *Tour de Highland* Bicycle event of Saturday August 7.** Councilor Kuiper moved that a certificate of insurance be obtained by Ridge Cyclery for a promotional presence at the *Tour de Highland* Bicycle event of Saturday August 7, naming the Town of Highland as a co-insured, in the covered amount of One million dollars. Councilor Novak seconded. Upon a roll call vote, there were four affirmatives, no negatives and one abstention. With Councilors Zemen, Vassar, Novak and Kuiper voting in the affirmative and Councilor Herak abstaining, the motion passed. The certificate of insurance was authorized and approved.

The Town Council President indicated he abstained because he had an ownership stake in Ridge Cyclery, with his brother who as seeking the opportunity to present information at the event.

**Comments from the Town Council Members**  
**(For the Good of the Order)**

- **Councilor Bernie Zemen:** • *Park and Recreation Board Liaison • Town Board of Metropolitan Police Commissioners • Lake County Solid Waste Management District Board of Directors • President's designee to Chair the Select Centennial Commission • Chamber of Commerce, Liaison.*

Councilor Zemen commented favorably on the Parks and Recreation Department's progress on the Lincoln Community Center Reconstruction Project.

Councilor Zemen recognized the Redevelopment Director who reported on the response rates of the 2010 census from the mailed surveys only. The Redevelopment Director noted that the actual rate could be improved by the follow-up in person enumerators. The Redevelopment Director also offered a brief report of the numbers of mortgage foreclosures by community that were pending. It was noted that there were 70 in Highland, 67 in Munster, and 66 in Schererville. There were also 161 in Hobart and 117 in Portage.

- **Councilor Dan Vassar:** • *Redevelopment Commission Liaison • Plan Commission member.*

Councilor Vassar recognized the Building Commissioner who presented a survey of Plan Commission business.

Councilor Vassar commended two Little League Teams to win as District Champs.

- **Councilor Brian Novak:** • *Advisory Board of Zoning Appeals, Liaison • Traffic Safety Commission Member.*

Councilor Novak noted that the Traffic Safety Commission continued its intersection study. Councilor Novak also commended Councilor Vassar for his leadership in the Highland Little League.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison.*

Councilor Kuiper recognized the Fire chief who briefly reported on a recent fire and response for a property located behind the Meijer's Store on Indianapolis Boulevard.

- **Councilor Mark Herak:** • *Town Executive • Police Pension Board of Trustees Chair • Budget Committee Chair • Board of Sanitary Commissioners, Liaison • Board of Waterworks Directors, Liaison • Community Events Commission, Liaison.*

Council President Herak acknowledged his receipt of a letter of resignation from Robert Montgomery in which Mr. Montgomery announced his resignation from the Plan Commission effective after July 31, 2010.

The Town Council President recognized the Public Works Director who reported on the statue of the Cline Avenue Reconstruction and the demolition of the house located at 3309 Ridge Road and 3315 Ridge Road.

The Public Works Director also discussed the street paving program and that it may be advisable to discuss this with the Town Council at a future study session.

**Comments from the Public or Visitors**

1. Ted Oberc, 2704 Lincoln Street, Highland, inquired when and how streets are selected for repair or reconstruction. Mr. Oberc reported that parts of Lincoln Street needed repair as well as the approach and the tracks, which cross Lincoln Street.

**Payment of Accounts Payable Vouchers.** Councilor Kuiper moved to allow the accounts payable vouchers as filed on the pending pay docket, covering the period July 20, 2010 through to August 02, 2010. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers were allowed and the clerk-treasurer was authorized to make payment.

**General Fund, \$190,996.41; Motor Vehicle Highway and Street (MVH) Fund, \$7,072.59; Local Road and Street Fund, \$6,680.40; Law Enforcement Continuing Education and Training Fund, \$1,151.06; Corporation Bond and Interest Fund, \$66,288.06; Capital Retainage Fund, \$11,353.63; Corporation Bond and Interest Exempt Fund, \$40,612.50; Flexible Savings Account (FSA) Agency Fund, \$1,754.73; Information and Communications Technology Fund, \$3,214.66; Civil Donation Fund, \$2,172.10; Special Events Non Reverting Fund, \$10,025.37; Centennial Commission Fund, \$1,293.75 Police Pension Fund, \$58,310.24; Municipal Cumulative Capital Development Fund, \$29,540.73; Traffic and Law Violations Fund, \$528.00; Safe Neighborhood Fund, \$2,008.16; Gaming Revenue Sharing Fund, \$402.17; Payroll Fund, \$14.60; Total: \$433,419.16.**

**Adjournment.** Councilor Zemen moved that the regular meeting be adjourned. Councilor Novak seconded. Upon a vote *viva voce*, the motion passed. The regular Town Council meeting of **Monday, August 02, 2010** was adjourned at 7:50 O'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer